

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

CIVIL ACTION NO:

_____)
R.H.C., individually and as next)
friend and guardian of F.C.,)
Plaintiff,)
)
v.)
)
the Boston Public Schools,)
Defendant.)
_____)

COMPLAINT

I. PRELIMINARY STATEMENT

1. This action is brought by F.C., by and through her mother and next friend, R.H.C., seeking reasonable attorney fees as a result of fully prevailing in an administrative hearing before the Bureau of Special Education Appeals to secure her right to a free and appropriate public education, pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 *et seq.*

II. JURISDICTION AND VENUE

2. This Court has jurisdiction pursuant to 20 U.S.C. § 1415(i)(3)(A) and venue under 28 U.S.C. § 1331.

III. PARTIES

3. Plaintiff F.C. is an eighteen-year-old student who lives with her mother and legal guardian in Boston, Massachusetts. F.C. brings this action by and through her mother and next friend, R.H.C.

4. The Defendant, Boston Public Schools, is established under the laws of the Commonwealth of Massachusetts and is a public corporation with the capacity to be sued. The Defendant receives federal funds from the United States Department of Education pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq., and is required to provide special education and related services in accordance with Individual Education Plans and that are calculated to provide for the effective progress of special education students such as F.C. who reside within the district.

IV. FACTUAL ALLEGATIONS

5. Parent disagreed with Boston over the special education services and placement for F.C. R.H.C. retained Daniel T.S. Heffernan of Kotin, Crabtree & Strong, LLP to represent F.C. in 2012. Counsel began working with R.H.C. in 2016 on the issues that led ultimately to the hearing in March 2017.
6. On October 27, 2016, F.C. and her mother filed a hearing request with the Bureau of Special Education Appeals (“BSEA”), which is part of the Division of Administrative Law Appeals.
7. The BSEA hearing took place on March 17, 20, and 21, 2017 at the BSEA in Boston, MA.
8. On May 26, 2017, BSEA Hearing Officer Rosa Figueroa issued a decision, which afforded Plaintiffs all the relief they sought. See Exhibit A, “Decision,” dated May 26, 2017.
9. Hearing Officer Figueroa ordered Boston to develop an IEP to place F.C. as a residential student at Cardinal Cushing.

10. Boston has refused to reimburse Plaintiffs for any attorney fees incurred for representation during the successful proceeding.

V. CAUSE OF ACTION

11. Plaintiffs re-allege paragraphs 1 through 10 and incorporate the same as if fully set forth herein.

12. Plaintiffs are the prevailing party in an action brought under the IDEA, 20 U.S.C. §1415 (i)(3)(B) and as such are entitled to an award of reasonable attorney fees and costs.

VI. PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for the following relief:

- a) That this Court take jurisdiction of this matter;
- b) That this court make a determination that F.C. and R.H.C. were the prevailing party for purposes of an award of attorney's fees;
- a) That this court award plaintiffs' counsel reasonable attorney fees pursuant to the Individuals with Disabilities Act; and
- b) That this court award such other and further relief as it deems proper.

Respectfully submitted,
F.C. and R.H.C. by their attorneys,

Date: June 26, 2017

/s/ Daniel T.S. Heffernan
Daniel T.S. Heffernan, BBO #550794
Kotin, Crabtree & Strong, LLP
One Bowdoin Square
Boston, MA 02114-2919
dheffernan@kcslegal.com
Tel: (617) 227-7031